

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Montrose Avenue, 0' N/S
Idlewilde Avenue
1st Election District
1st Councilmanic District
(114 Montrose Avenue)

K. Mark Muller
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-276-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, K. Mark Muller. The variance request is for property located at 114 Montrose Avenue in the Catonsville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with addition to have a side yard setback of 10 ft. in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.


The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

02-276-A
2/6/02
By R. J. [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of February, 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with addition to have a side yard setback of 10 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/6/02
R. Spence



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 6, 2002

Mr. K. Mark Muller
114 Montrose Avenue
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 02-276-A
Property: 114 Montrose Avenue

Dear Mr. Muller:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 114 MONTROSE AVE
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 BCZR

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A SIDE YARD SETBACK OF
10' IN LIEU OF THE REQUIRED 15'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 02-216-A

Reviewed By LYM Date 12/28/01

REV 10/25/01

Estimated Posting Date 1/6/02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 114 MONTROSE AVE
Address
CATONSVILLE, MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

| Design Challenge for Proposed Dwelling | Design Solution for Proposed Dwelling |
|--|---|
| 1 Maintain the strong architectural features of the existing dwelling as relates to roof lines, roof pitch, veneer materials, and exterior wall layout. Keep the addition from looking like an addition. | Roof line and pitch matches existing dwelling. Veneer materials match existing dwelling. Exterior wall layout continues to follow the existing dwelling wall "zig zag" pattern. End result of design is addition blends very well architecturally with existing dwelling. |
| 2 Maintain the use and functionality of the interior spaces in the existing dwelling and the proposed dwelling. | Locate proposed dwelling on the northwest (rear) corner of the existing dwelling. This location requires the least amount of disruption and demolition to the existing dwelling and works out very well from an interior architectural perspective. |
| 3 Maintain existing, large caliper, mature oak tree near existing rear entry. | Locate proposed dwelling exterior walls around tree. |
| 4 Maintain 15' side yard set back from property line adjacent to 112 Montrose Ave. | Did not achieve this design challenge due to meeting the aforementioned design challenges. |

We are requesting an Administrative Variance due the difficulty and hardship that would be created by not being able to maintain the strong architectural exteriors, the use and functionality of interior spaces, and preserving the existing tree.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

V. Mark Muller
Signature

V. MARK MULLER
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of December, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

V. Mark Muller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Veneta Mantha
Notary Public
My Commission Expires 5/10/2005

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V. Mark Muller
Signature

V. MARK MULLER
Name - Type or Print

Signature

Name - Type or Print

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V. Mark Muller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

V. Mark Muller
Notary Public
My Commission Expires 5/10/2005



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 114 MONTROSE AVE
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3.C.1 BCZR

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A SIDEYARD SETBACK OF
10' IN LIEU OF THE REQUIRED 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 02 day of 02-276-A that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-276-A

Reviewed By CTM Date 12/28/01

REV 10/25/01

Estimated Posting Date 1/6/02

ZONING DESCRIPTION FOR 114 MONTROSE AVE.

BEGINNING FOR THE SAME AT THE CORNER FORMED BY THE WEST SIDE OF MONTROSE AVE 60 FEET WIDE, WITH THE NORTH SIDE OF IDLEWYLDE AVENUE 40 FEET WIDE, AS LAID OUT ON THE PLAT OF "OAK FOREST", ALONG SAID MONTROSE AVENUE ' N $7\frac{1}{2}^{\circ}$ W 100' AND THENCE S $82\frac{1}{2}^{\circ}$ W 154' AND THENCE S $7\frac{1}{2}^{\circ}$ E 100' AND THENCE N $82\frac{1}{2}^{\circ}$ 154' TO THE P.O.B.

THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 114 MONTROSE AVE. IS LOCATED IN THE 1 ELECTION DISTRICT AND 1 COUNCILMANIC DISTRICT. LOT SIZE CONTAINS 15,400 SQUARE FEET.

#276

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **02814**

DATE 12/28/01 ACCOUNT 1001 006 6150

AMOUNT \$ 50.00

RECEIVED
FROM: K. MARK MULLER

FOR: VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
12/31/2001 12/28/2001 14:41:27

REF US01 CASHIER JPTC JMR DRAWER

RECEIPT # 077089

Dept 5 528 ZONING VERIFICATION

CR NO. 003314

Prct Tot 50.00

.00 OK 50.00 BA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-276-A

Petitioner/Developer: _____

K. MARK MULLEN

Date of Hearing/Closing: 1/21/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MR. GEORGE ZANNER
~~Ms. Gwendolyn Stephens~~

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

114 MONTROSE AVE

The sign(s) were posted on 1/5/2002
(Month, Day, Year)

Sincerely,

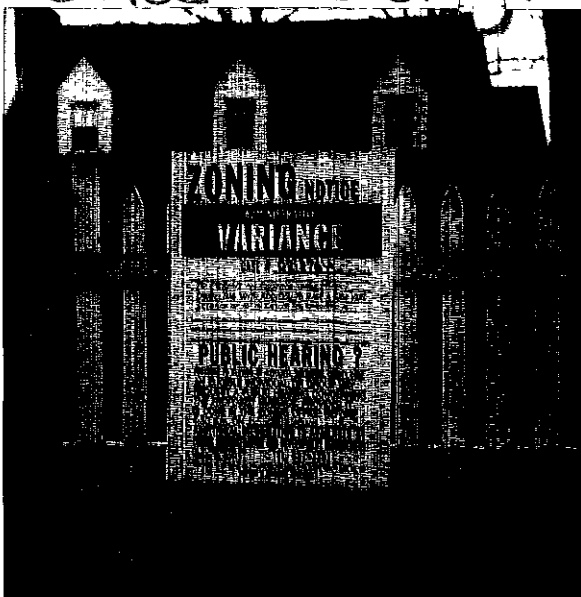
 1/5/02
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



114 MONTROSE AVE

POSTED 1/5/02

 1/5/02

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-276-A

Petitioner: K. MARK MULLER

Address or Location: 114 MONTROSE AVE
CATONSVILLE, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410.744.8642

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 276 -A Address 114 MONTROSE AVE.

Contact Person: LOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/28/01 Posting Date: 1/6/02 Closing Date: 1/21/01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 276 -A Address 114 MONTROSE AVE

Petitioner's Name K. MARK MULLER Telephone 410 744-8642

Posting Date: 1/6/02 Closing Date: 1/21/01

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A SIDE YARD SETBACK OF
10' IN LIEU OF THE REQUIRED 15'.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 28, 2002

K Mark Muller
114 Montrose
Catonsville MD 21228

Dear Mr. Muller:

Case Number: 02-276-A, 114 Montrose Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 28, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

| | |
|---|--------------|
| Development Plans Review (Traffic) | 410-887-3751 |
| Fire Department | 410-887-4880 |
| State Highway Administration | 410-545-5600 |
| Office of Planning & Community Conservation | 410-887-3480 |
| Department of Environmental Protection and Resource Management (DEPRM) | 410-887-5859 |
| Recreation and Parks | 410-887-3824 |
| Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA) | 410-767-4489 |
| Department of Natural Resources - Floodplain | 410-631-3914 |

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

Come visit the County's Website at www.co.ba.md.us




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: February 28, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 4, 2002
Item Nos. 263, 264, 265, 267, 268, 269,
270, 271, 272, 273, 274, 275, 276 278,
279, 280, 281, 282, 283, 284, 285, 286,
287, 288, 290 and 292

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File

ZAC-2-4-2002-NO COMMENT-02282002.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 31, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

263, 267, 268, 270, 271, 273, 274, 275, (276), 278, 279, 280, 282,
283, 284, 287, 289, 290,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: Todd Taylor
DATE: March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, ²⁷⁶275 + 277, 279 - 281, 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288

AV
1/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 29, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN 30 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-271 & 02-276

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.29.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 276 LTM

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

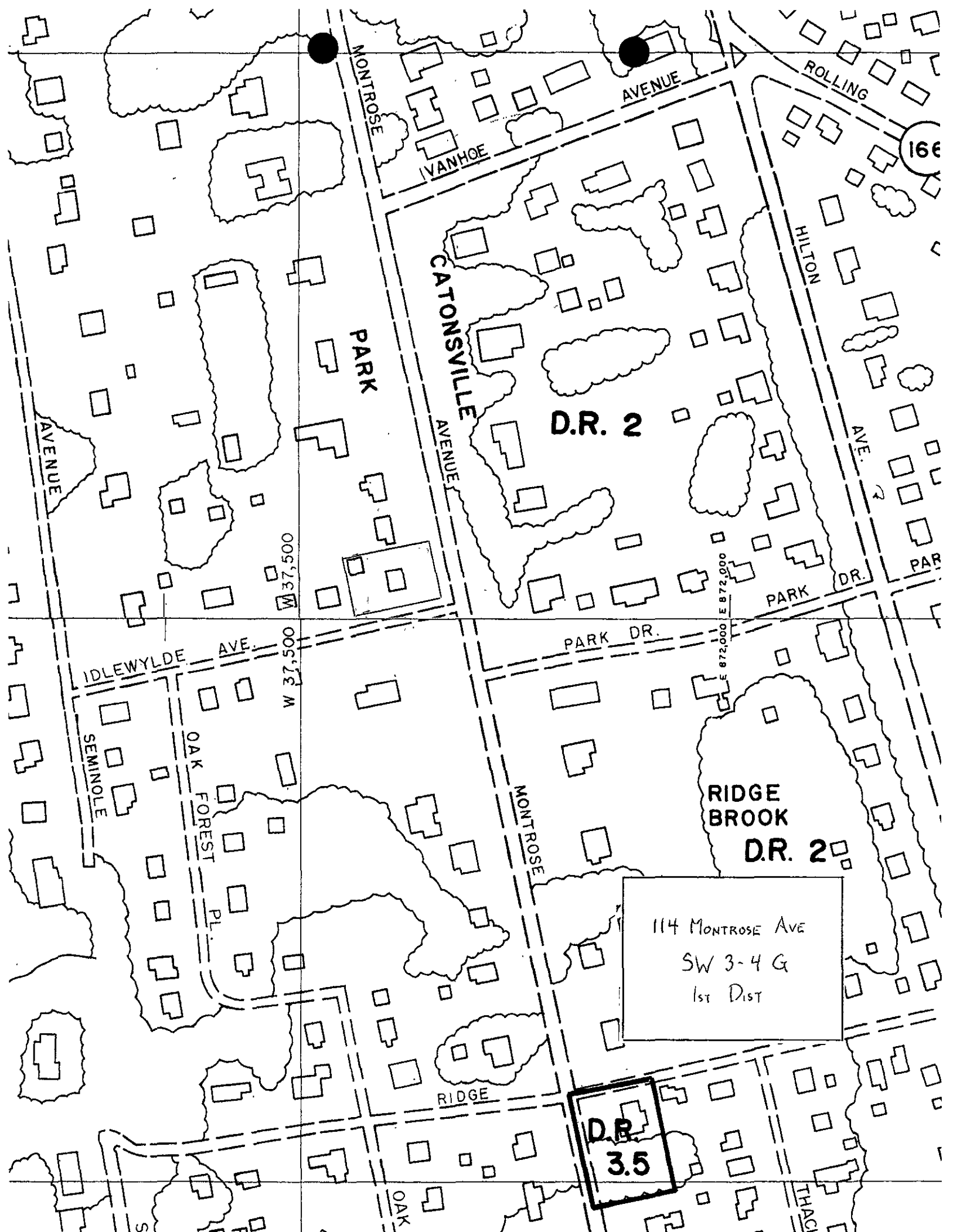
Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



166

D.R. 2

RIDGE
BROOK
D.R. 2

114 MONTROSE AVE
SW 3-4 G
1st DIST

D.R.
3.5

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 114 MONTROSE AVE

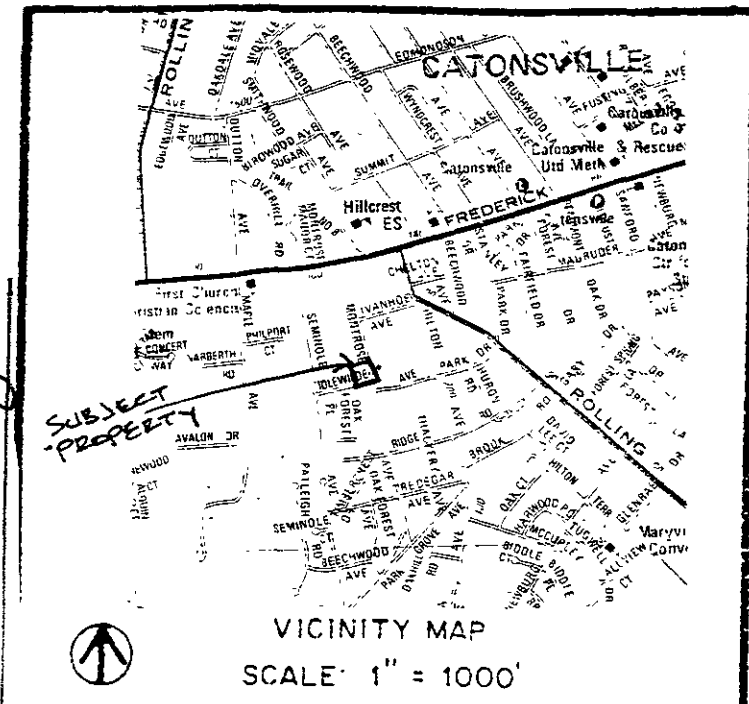
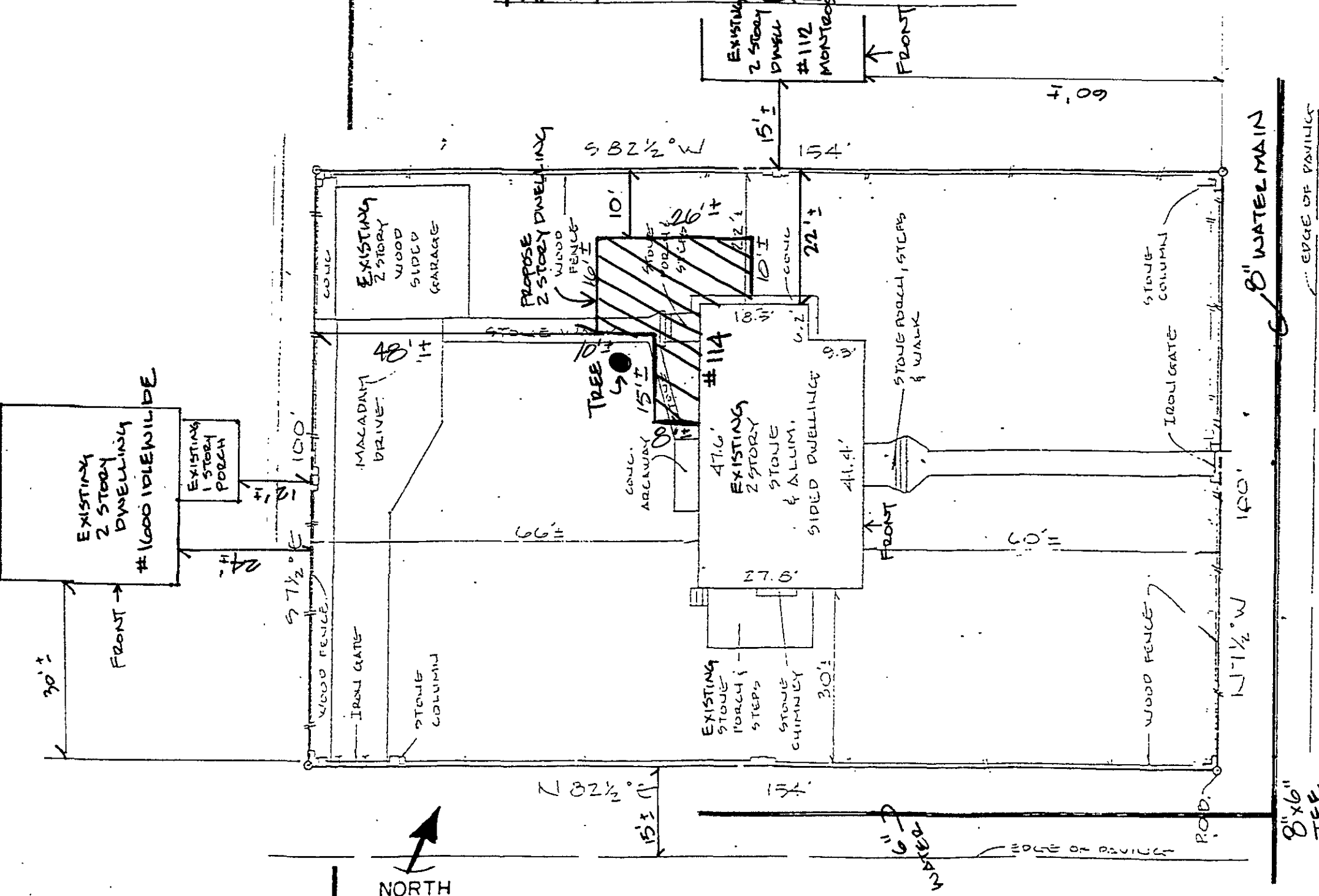
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

DATE: 12/27/01

PLAT BOOK # - FGLIC # - LOT # - SECTION # -

OWNER MARK MULLER



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 93-SW

ZONING D2-2

LOT SIZE .354 ACREAGE 15,400 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY CTM ITEM # 276 CASE # -

NORTH
IDLEWYLDE AVENUE

PREPARED BY MULLER (40' WIDE) SCALE OF DRAWING: 1" = 20'

114 Montrose Avenue



View from rear corner looking toward Montrose Ave.



View from front corner looking toward rear of property



View from rear corner looking at 114 Montrose dwelling, showing existing architectural features and large mature oak tree designated to remain



View from front corner looking toward rear of property, and showing 112 Montrose Ave dwelling

#276